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Situation of human rights defenders

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, in accordance with General Assembly resolutions 66/164 and 68/181 and Human Rights Council resolutions 16/5 and 25/18.

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Report of the Special Rapporteur on the situation of human rights defenders

Summary

The present report is the second submitted to the General Assembly by the Special Rapporteur on the situation of human rights defenders. In this report, submitted in accordance with Human Rights Council resolutions 7/8 and 16/5, he provides an overview of his activities during the period under review. He presents the principal observations and findings derived from the seven regional consultations he organized with human rights defenders between October 2014 and June 2015. The Special Rapporteur then puts forward conclusions and recommendations.

Contents

		Page
I.	Introduction	3
II.	Activities	3
	A. Communications	3
	B. Country visits	4
	C. Cooperation with international, regional and national partners	5
III.	Report on the regional consultations	6
	A. Presentation of the project	6
	B. Global trends pointing to a threatening environment for defenders	8
	C. Threats faced by the most at-risk groups of defenders	12
	D. Mixed experiences with cooperation with regional mechanisms and other international and regional actors	16
IV.	Conclusions and recommendations	19
	A. Conclusions	19
	B. Recommendations	19

I. Introduction

1. The present report focuses on the regional consultations that the Special Rapporteur on the situation of human rights defenders organized at the end of 2014 and in the first half of 2015 with a view to sharing with the Member States of the United Nations the principal observations and recommendations arising out of the discussions with the defenders, eliciting greater recognition of the role of defenders and affording them better protection against the attacks they face.

II. Activities

A. Communications

2. The Special Rapporteur has published communication and press releases on matters affecting certain defenders and on legislative reforms that could be seriously detrimental to the environment in which they operate.

3. These communications are an indispensable tool for carrying out the activities entrusted to him. They make it possible to raise urgent matters requiring the immediate attention of States and to draw attention to certain situations and certain phenomena. They can also help prevent violations of defenders' rights. The Special Rapporteur is convinced that communications constitute one of the man ways in which he can help protect defenders.

4. Between 1 December 2014 and 27 July 2015, the Special Rapporteur issued 137 communications, including 74 urgent appeals and 63 letters containing allegations, all filed jointly with other special procedures mandate holders, and he intends to study the possibility of undertaking joint actions with the regional human rights mechanisms.

5. Thirty-six communications (27%) were addressed to countries in the Asia-Pacific region; 29 (21%) to countries in Latin America and the Caribbean; 26 (19%) to countries in the Middle East and North Africa; 15 (18%) to African Countries; and 20 (15%) to countries in Europe, North America and Central Asia.

6. In those communications, the Special Rapporteur addressed the situation of more than 286 people, including 66 women.

7. He sent 11 communications regarding reprisals against groups of people or individuals because of their collaboration with the United Nations or international human rights organizations.

8. As of the date of this report, 45 answers had been received: a low response rate of 33%. Unfortunately, the replies received from governments were often vague or evasive. That finding is particularly worrying given the seriousness of the allegations and the pressing nature of certain situations. For that reason, the Special Rapporteur intends to increase follow-up to communications sent out, which all too often remain unanswered or meet with an inadequate response from certain governments. In the period covered by this report, the Special Rapporteur managed to follow up on more than one third of the communications sent out or matters addressed pursuant to his mandate.

9. The Special Rapporteur sent five communications concerning the elaboration of domestic laws that could be detrimental to the environment in which defenders go about their work. He intends to step up his communications to governments offering his advisory services to those that accept them.

10. The Special Rapporteur is aware of the serious issues related to the use of communications, principally in respect of the overwhelming number of cases raised and the lack of resources to duly process all the matters that merit being taken into account in connection with his mandate.

11. The Special Rapporteur has also attempted to use his influence to draw the attention of certain States and of the international community by publishing over 19 public statements on the situation of defenders in 12 countries. Those statements had to do with legal changes with negative implications for the situation of defenders; matters relating to certain defenders in particular, especially reprisals against persons attempting to collaborate with the United Nations and its human rights mechanisms and representatives; and certain at-risk groups of defenders working in a specific country.

B. Country visits

12. Since he took office on 2 June 2014, the Special Rapporteur has paid an official visit to Burundi (from 14 to 25 November, 2014).[1] He thanks the Burundian Government for having agreed to that visit and for the arrangements it made to facilitate it. In March 2016, a separate report will be issued as an addendum to the report he submitted to the Human Rights Council.

13. As of July 2015, the following countries had not responded to requests for a visit from the Special Rapporteur or his predecessors: Azerbaijan (2013 and 2015), Bahrain (2012 and 2015), Bangladesh (2013), Belarus (2002, 2003, 2004, 2010, 2011 and 2015), Bhutan (2001 and 2002), Cambodia (2012), Cameroon (2012 and 2014), Chad (2002, 2003 and 2004), China (2008, 2010 and 2015), Dominican Republic (2012), Egypt (2003, 2008, 2010 and 2012), Equatorial Guinea (2002), Ethiopia (2014), Fiji (2010 and 2012), Hungary (2015), Indonesia (2012), Jamaica (2012 and 2015), Kenya (2003 and 2004), Kuwait (2015), Kyrgyzstan (2012 and 2015), Malawi (2012), Malaysia (2002 and 2010), Maldives (2006 and 2015), Mexico (2011 and 2015), Mozambique (2003 and 2004), Namibia (2011), Nepal (2003, 2004, 2005, 2008, 2009 and 2012), Oman (2012), Pakistan (2003, 2007, 2008 and 2010), Peru (2015), Philippines (2008, 2010, 2012 and 2015), Russian Federation (2004, 2011 and 2015), Saudi Arabia (2012), Senegal (2012), Singapore (2002 and 2004), Sri Lanka (2008, 2010 and 2015), Syrian Arab Republic (2008 and 2010), Thailand (2012), Turkmenistan (2003 and 2004), United Arab Emirates (2012), Uzbekistan (2001, 2004 and 2007), Venezuela (Bolivarian Republic of) (2007, 2008, 2010 and 2015), Viet Nam (2012 and 2015) and Zimbabwe (2002, 2004, 2008, 2010 and 2011).

14. In 2015, the Special Rapporteur sent requests for country visits to the following countries: Azerbaijan, Bahrain, Belarus, China, Hungary, Jamaica, Kyrgyzstan, Kuwait, Maldives, Mexico, Peru, the Russian Federation, Sri Lanka,

[1] See http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15341&LangID=E.

Venezuela (Bolivarian Republic of), and Viet Nam. He wishes to thank the Governments of Azerbaijan, Hungary, Morocco, Peru, and the Philippines for having responded favourably to his requests and he hopes to reach an agreement with them on the dates for his visit.

C. Cooperation with international, regional and national partners

15. This section provides an overview of activities undertaken by the Special Rapporteur since his previous report to the Human Rights Council (that is to say, between 1 December 2014 and 30 July 2015).

16. During this period, the Special Rapporteur convened the fifth and sixth meetings of the mechanisms and programmes to protect defenders ("inter-mechanisms" process). The meetings were facilitated by the Observatory for the Protection of Human Rights Defenders and held at the headquarters of the International Organization of La Francophonie.

17. On 21 and 22 January 2015, the Special Rapporteur took part in a consultation regarding a model national law to protect human rights defenders in Bogotá, organized by the International Service for Human Rights.

18. On 5 March, he attended the XVI Meeting of the Community of Democracies Governing Council in collaboration with the Human Rights Council in Geneva.

19. On 9 March, in the framework of activities organized in connection with International Women's Day, the Special Rapporteur took part in a parallel demonstration in Geneva on protection for female human rights defenders. That same week, parallel to the 28th session of the Human Rights Council, he took part in two civil society events on defenders in Asia and on the effect of promoting national security on the situation of human rights defenders.

20. On 18 March, the Special Rapporteur met in Brussels with members of the Human Rights Working Group of the European Council to examine with them a number of observations regarding implementation of the European Union's Guidelines on Human Rights Defenders. He also discussed with them the support the European Union could lend to the implementation of his and related mandates.

21. On 21 March, the Special Rapporteur took part in The Hague in the "Movies that Matter" festival organized by Amnesty International.

22. On 9 and 10 April, the Special Rapporteur took part in the "Defenders' Days" organized by Civil Rights Defenders in Stockholm, during which over 160 defenders from 35 countries attended the "civil rights defender of the year" award ceremony and took part in a capacity-building programme.

23. On 3 June, the Special Rapporteur took part in the European Development Days 2015 (EDD15) on matters relating to global development and international cooperation.

24. From 8 to 12 June, he took part in the annual meeting of Special Procedures Mandate Holders.

25. On 16 June, he participated in a debate on the situation of defenders in Azerbaijan and on reprisals and attacks against defenders, held parallel to the 29th session of the Human Rights Council in Geneva.

26. On 25 June, he accepted an invitation from the French embassy in Moscow and met with around 100 defenders in the Russian Federation.

27. He met with the permanent representatives of various missions in Geneva to discuss matters relating to the exercise of his mandate. Together with his team and other special procedures mandate holders, he discussed synergies and possible future cooperation.

III. Report on regional consultations

28. This section describes the principal observations and conclusions drawn from the consultations with the men and women defending human rights in different parts of the world, organized by the Special Rapporteur between October 2014 and June 2015. Given the wealth of information transmitted at these consultations, the Special Rapporteur will return to dwell in more detail on certain matters, such as good practices, the matter of reprisals, or certain categories of defenders, in upcoming reports to the United Nations Human Rights Council or the General Assembly.

29. The Special Rapporteur has also chosen not to name in the present report the countries mentioned by the defenders during the consultations in order to concentrate on global and regional trends and to avoid focusing one-sidedly on national situations. However, the powerful and at times overwhelming testimonies he heard from so many defenders will certain inspire his next reports and the choice of countries he wishes to visit.

A. Presentation of the project

1. Context and objectives of the consultations

30. Pursuant to Human Rights Council resolution 16/5, in which the Council asked him to examine trends, new facts and problems relating to the exercise of human rights, the Special Rapporteur has sought to engage, from the start of his mandate, in a series of regional consultations with human rights defenders.

These consultations pursued the following objectives:

- To meet face-to-face with the defenders in the regions concerned, especially those who will never be able to travel to Geneva;
- To gather testimony with a view to identifying trends, challenges, threats and opportunities for defenders and for all key actors in this field;
- To gauge the effectiveness of existing protection arrangements and mechanisms;
- To exchange information and share experiences relating to best practices and opportunities in this field and to visualize possible ways of overcoming the challenges encountered in the regions concerned.

2. Schedule and procedures followed

31. Seven regional consultations were held between October 2014 and June 2015. In 2014, they brought together defenders in North Africa and the Middle East in Tunis, in October; from Eastern Europe, the Caucasus and Central Asia met in Tbilisi, in November; then from Eastern Asia and Pacific Asia met in Manila, in December. Four consultations followed in 2015: in January in Guatemala, for Latin America; in May, in Kampala, for English and Portuguese-speaking African countries, and in Abidjan (Côte d'Ivoire) for French-speaking African countries, and finally, in June, in Florence (Italy) for defenders in Western Europe and elsewhere. Thanks to close cooperation between the Special Rapporteur, the regional offices and centres of the Office of the United Nations High Commissioner for Human Rights and international and regional organizations and networks specializing in the protection of defenders, it was possible to select the participants in these consultations with a variety of profiles and representative of a wide range of topics. By the end of these seven long consultations, more than 500 human rights defenders from 111 countries had met and had had the chance to exchange views with the Special Consultant. At the same time, the present report testifies to the difficulties faced by defenders all over the world and calls upon the international community to step up its efforts to protect defenders from the attacks and threats they face on a daily basis.

32. More than 280 women defending human rights took part in those discussions. At the request of organizations of female defenders, the Special Rapporteur organized a specific session at each consultation to enable them to engage in a separate dialogue with him to discuss issues that certain female defenders would not have liked or dared to bring up in front of their male colleagues. This testifies to the Special Rapporteur's desire to foster gender equality and to develop an approach in keeping with Human Rights Council 7/8, namely one that integrates a gender perspective throughout the work done pursuant to his mandate, paying particular attention to the situation of women human rights defenders.

33. In addition, with a view to involving all actors working in this field, the Special Rapporteur organized a public meeting with State representatives on 8 July, in Geneva, to enable them to make initial comments and observations on a preliminary version of the present report. He then organized a meeting of civil society and academic experts on 9 and 10 July, in Florence (Italy). The purpose of those two meetings was to continue exchanges of views regarding the situation of defenders and to garner proposals that might help boost the effectiveness of the Special rapporteur's mandate. This last consultation will enable him to pursue his quest for solutions that will be put forward in his next reports.

34. Finally, it is worth noting that while these consultations served to identify threats that all defenders face, they also highlighted issues specific to certain regions, due to the different, political, cultural, and social circumstances. For instance, it transpired from the consultations that defenders in North Africa and the Middle East were having to deal with the surge in Islamic extremism and extensive political turmoil. For their part, Latin American defenders underscored the rise in social unrest in countries that had been relatively stable since the fall of the military dictatorships in the 1980s. Defenders in that region also have to contend with the numerous challenges relating to respect for indigenous peoples and protection of their lands. For their part, defenders in Central Asia and Eastern Europe are caught

up in a post-Soviet environment prey to a number of territorial disputes and a harder line being taken vis-à-vis civil society. Defenders in Asia and sub-Saharan Africa face conflict or post-conflict situations, ethnic tensions and issues relating to the role of multinational enterprises. Finally, defenders in West European and other countries highlighted the fact that many of them were now engaged in problems relating to the situation of migrants, the consequences of economic crises and a rekindling of various forms of discrimination against minorities.

B. Global trends pointing to a threatening environment for defenders

35. For the Special Rapporteur, the evidence is oppressive. Everywhere in today's world, the situations defenders find themselves in give rise to multiple concerns. In very many countries, the situation is getting worse by the day. While the Special Rapporteur is happy about the emergence of a more prominent and better organized civil society, the fact is: there are still too many and, increasingly, multiple hurdles put in the way of those women and men who strive peacefully to promote and protect human rights and fundamental freedoms.

36. The threats faced by defenders come in many guises (physical, psychological, economic, and social); reflect the interaction of multiple factors (poor governance or the absence of the rule of law, the surge in religious intolerance and fundamentalisms, and tensions over development issues); and are triggered by a variety of (political, economic, religious, State or private) actors. This finding is all the more striking when a growing number of defenders point to backtracking in countries in which the law seems designed to criminalize them and to thwart what they do.

37. It also transpires from the exchanges of views that the daily threats and barriers faced by defenders are not unrelated to the context of the "war against terrorism" being waged by all the countries. A number of counter-terrorism policies and strategies being pursued by States have posed and continue to pose a threat to defenders, since certain governments use counter-terrorism as a means to target defenders. Such policies entail restrictions on individual freedoms and actions by civil society under the pretext that this affords better protection of the general interest. Thus, numerous States have adopted opaque and complex sets of laws, certain provisions of which have been used to silence all forms of social and political protest and to engage in counter-terrorist activities that violate international human rights norms.

38. Finally exacerbating these difficulties is the fact that the attacks and threats against defenders are perpetrated not just by States, but by non-State actors as well. This applies particularly to countries in which one notes a surge in religious fundamentalism (especially in North America, Latin America, Africa and the Middle East) or the presence of armed or low intensity conflicts (in the Middle East, Africa and certain countries in Asia); or even to development projects in which certain economic actors attempt to impose their interests — sometimes with explicit support from governments — to the detriment of observance of human rights. The defenders point to numerous pressures from these different actors in respect of actions to promote economic, social and cultural rights (sexual and reproductive rights, labour rights, the rights of indigenous peoples, and the right to natural resources and the environment).

39. The Special Rapporteur was struck by the interconnectedness of the multiple threats encountered by defenders: a reminder of the need to address all those threats in a holistic and integrated manner.

40. Given these trends, certain factors afford sum up the vulnerability of so many defenders: ignorance of their role; attacks on individual defenders; the implementation of new intimidation and repressive measures, especially the use of laws to circumscribe and delegitimize the work of defenders; and, finally, the numerous institutional weaknesses of certain States.

1. Human rights defender: A little known, poorly understood and often denigrated occupation

41. Numerous defenders report an attitude of mistrust and even hostility toward them on the part of not just the authorities, but the media and the rest of society as well. This hostility stems partly from ignorance of the role played by defenders, but may also be due in part to the way their work is used by certain, social, economic and political actors. Defenders are not depicted as agents of change, making a direct or indirect contribution to the sustainable development and good governance of their countries. On the contrary, they are often described as foreign agents, touting values that run counter to those of their society or culture, or else as mainly politically motivated actors. Defenders have reported regular campaigns to discredit their work by relegating them to the status of political opponents bent on destroying the general interest, indeed as traitors. Sometimes the media depict them as being soft on terrorists or as a threat to the sovereignty of States.

42. These difficulties are exacerbated by ignorance among defenders themselves of the mechanisms they can resort to and levers they can pull to boost their visibility and strengthen protection, as well as by occasional communication failings between those various mechanisms.

2. Attacks targeting individual defenders and their next of kin

43. Being a human rights defender involves personally exposing oneself to multiple dangers, including risking one's life or liberty. With the exception of defenders from a few countries, that is the conclusion reached by numerous defenders when they describe the threats and challenges they face. The defenders first testified straightforwardly, but with considerable feeling, regarding the frequent attacks they are subjected to physical, be it in the form of attempted murder, abduction or even acts of sexual violence, which sometimes force them to go into exile, leaving their next of kin behind and devoid of protection. The Special Reporter was struck by the number or instances cited by the defenders, in which they were remanded in custody for no reason, or suffered torture, clandestine arrests or trials by military tribunals. Often enough, when defenders attempt to alert the media to their situation, seek justice and obtain reparation, they encounter a fair amount of indifference. Generally speaking, attacks on them are not investigated and the perpetrators lose no sleep, all of which clearly encourages a culture of impunity. In addition, defenders face obstacles to their freedom of movement both within their countries and, for example, when they seek authorization to leave them to take part in international meetings. Another very worrisome fact is that those attacks do only directly target the defenders; they are also often accompanied by threats and attack on their family members, increasing the pressure they are under.

44. Some defenders also mentioned the numerous reprisals against them since they began cooperation with the United Nations or with international and regional organizations for the promotion and defence of human rights. Such reprisals may take different forms, varying from harassment or defamation campaigns to physical assault, but they all have in common is intent to intimidate and silence defenders.

3. New forms of repression to restrict the work done by defenders

45. The Special Rapporteur was struck by the sophistication of the new techniques and forms of repression, especially via the media, mentioned by the defenders interviewed. According to accounts from defenders in several dozen countries, defamation campaigns in the written press or on the radio are routinely conducted by governments or radical groups in numerous countries with a view to stigmatizing defenders.

46. In addition, digital communications are also now being used to hamper the work of defenders. The Internet and, more broadly, new technology, which until recently provided a formidable tool for voicing opinions, accessing information, and forging networks of individuals and organizations, are today being used by States to monitor and curb the work of defenders. That is particularly worrying, given that numerous defenders use the Internet on a daily basis to promote and protect human rights, thereby exposing themselves to multiple threats. Defenders in Africa, Latin America, the Middle East and Asia have reported instances of harassment and defamation campaigns against social networks and blogs. E-mails are also intercepted and telephone calls recorded. Several female defenders have described how pirated pornographic images purporting to depict them have been disseminated on certain social media, in a serious attack on their dignity.

47. Defenders also underscored the growing use of laws to punish and discredit their work. A recurrent concern emerging during the consultations was the use of the law by certain States today to restrict or even criminalize the activities of defenders: a development already highlighted by the previous Special Rapporteur on the situation of human rights defenders in 2012.

48. The defenders confirmed these trends at the various consultations and the Special Rapporteur is especially perturbed at seeing governments copying the methods of the most repressive governments in this respect. In certain countries, there has been a resurgence of the misuse of laws to improperly restrict actions by defenders, particularly journalists, bloggers and lawyers. Some defenders also pointed to frequent hurdles designed to hamper the operations of the organizations they work for, including obstacles to their obtaining financing (especially from abroad) or to their registration or the renewal of their accreditation, or permission to organize some peaceful demonstrations.

49. Finally, defenders cited numerous cases of judicial harassment, arrests, arbitrary detentions and convictions accompanied by often disproportionately harsh penalties. Certain States attempt to silence defenders by handing down long prison sentences after fake trials on charges of tax evasion or illegal possession of weapons or drugs.

4. Profound institutional weaknesses

50. The defenders repeatedly stressed that the various threats and attacks they endure were made possible by an institutional context in which the basic tenets of the rule of law and democratic principles were either not — or less and less — respected. Time and again the defenders highlighted the impunity and corruption prevailing in numerous countries characterized by the absence of an independent judiciary.

51. Furthermore, the defenders mentioned failure to train and sensitize certain State representatives, be they officials (policemen, prison wardens) or members of the judiciary, with respect to human rights issues in general and human rights defenders in particular. That lack of training and awareness-raising could partly explain the persistence of human rights violations by certain law enforcement officers, particularly during demonstrations, where excessive force is deployed.

52. The consultations also revealed the sense that national human rights laws were enacted and implemented without prior consultation with civil society or even the National Human Rights Institution of the country, if such an institution existed.

53. The defenders also point to a lack of "intersectionality", that is to say, the awareness that different types and sources of discrimination intersect with, and reinforce, one another. Few studies address the problems faced by defenders when they are the target of several forms of discrimination (take, for instance, the case of a female defender who has the status of a woman living in exile or that of a homosexual defender of ethnic minority origin). The international human rights system has not yet systematically incorporated an intersectional approach and, as a result, different sources of discrimination tend to be treated compartmentally. Thus, solutions do not permit a comprehensive grasp of the whole set of discriminations and vulnerabilities to which such defenders are exposed. Taking these different parameters into account would doubtless ensure a more integrated and crosscutting approach in the solutions to be found for these categories of defenders. This is one of the topics the Special Rapporteur intends to revisit in his next reports.

54. The role of national human rights institutions also cropped up several times during the consultations. However, the defenders often pointed to difficulties they had experienced in dealing with these institutions. In some cases, fraught relations between these two types of actor may be due to the latter's failure to abide by the Paris Principles, their ineffectiveness, timidity, or ignorance of the situation of the defenders. Finally, according to the defenders, major budget cuts or political attacks have also affected several of these institutions in a number of countries in recent months, whereby it is worth recalling that national human rights institutions are sometimes themselves defenders and, as such, threatened by the government of their country. The Special Rapporteur issued several communications along those lines during the period under review.

55. Finally, the defenders stressed the recurrent failure to implement the recommendations of the United Nations mechanisms or regional organizations and voiced their regret that so few countries have put inter-ministerial monitoring mechanisms in place.

C. Threats faced by the most at-risk groups of defenders

1. Common threats faced by these groups of defenders

56. During each regional consultation, discussions were held about the threats and challenges faced by certain specific groups of defenders. As requested on several occasions by the Human Rights Council (in its resolutions 13/3, 22/6 and 24/24), strategies and actions for providing them with better protection were also examined. Some defenders face threats purely because of their identity (for example, women, lesbian, gay, bisexual, transgender or intersex persons, members of indigenous peoples, or defenders of persons suffering from albinism), others because of the issues they address (combating corruption, protecting the environment), or due to a particularly sensitive context (defenders working in conflict or post-conflict areas).

57. The groups of defenders singled out in this report are naturally not the only groups at risk. Others have been identified, but the Special Rapporteur has chosen to highlight those mentioned in the majority of the consultations. Broadly speaking, several findings stand out and concern all these groups.

58. To start with, one can discern an increase in the lack of legal protection for the most at-risk groups, the absence of specific legislation regarding them and sometimes even the effects of discriminatory laws. The defenders pointed out the high level of impunity for perpetrators of the attacks carried out, which is an insidious way of legitimizing acts of violence against them.

59. The defenders also describe their sense that they are often on their own, with the media showing little interest in reporting acts of aggression against them and with little support from political figures or even the community of defenders. Here, it should be stressed that these groups of defenders often question the power structures or systems embedded in the societies they work in, and do therefore run the risk of being stigmatized or depicted as persons opposing traditions, the established order or the national interest.

60. The exchanges of views with defenders threw light on the structural, system causes of the violations committed against these groups, be they the persistence of male-female stereotypes, social and economic inequalities, or the culture of impunity and corruption pervading certain countries. Protecting these groups will therefore only be effective if a holistic and crosscutting approach is taken to their situation.

2. Female human rights defenders

61. At each of the consultations, female defenders reminded participants that being a female human rights defender meant being exposed to threats both because of their status as women and because they strove to defend and promote human rights. While they are attacked just like other defenders, those acts of violence are often gender-based. The threat or use of sexual violence is commonplace in numerous countries. Female defenders very often work in countries in which the dominant discourse still confines women to the private sphere and it is often in that regard that they come under attack. They are the object of particularly virulent harassment, defamation and stigmatization campaigns on the Internet, in which their respectability and credibility as a female defender, women, mother, or citizen are derided.

62. Female defenders explained that those violations could not be understood without an in-depth analysis of the social, cultural, economic or political context, in which a patriarchal culture persists along with deeply-rooted stereotypes. They said they were the victims of attacks because they questioned that culture and challenged traditionally assigned roles. During the consultations numerous defenders described the insults hurled at female defenders, who are often depicted as prostitutes, or as immoral, sinful individuals undermining respect for traditional values. According to the female defenders, that makes them the preferred targets of religious groups, especially when they strive for the observance and promotion of sexual and reproductive rights.

63. In addition, female defenders complained of gaps in the responses of the various mechanisms and organizations that do not take men-women issues sufficiently into account (for instance, in resettlement programmes, from which families are often excluded). Female defenders likewise mentioned the need for them to be included from the outset in the preparation of programmes to protect them, in order to get away from a sometime paternalistic approach that plays down the challenges they face.

64. Finally, female defenders complained about women being depicted first as victims, and not as fully fledged actors bringing about change. The role of female defenders is still little known or recognized. They come up against numerous hurdles in their own family, their community and the organizations they work in. Female defenders described national contexts in which they were still perceived as second class players, whose expertise applied only to certain areas and whose contribution to the observance and promotion of human rights remained for the most part invisible. They complained that they were not fully brought into consultation processes, particularly as regards development projects. It should also be pointed out that, in their separate sessions with the Special Rapporteur, female defenders described the situation within non-governmental organizations, where stereotypes favouring men persist. They reported difficulties in being recognized by their male colleagues, in management or decision-making positions. Several women personally invited by the Special Rapporteur to take part in the regional consultations had found themselves replaced by a male colleague.

3. Defenders of the rights of lesbian, homosexual, bisexual, transgender and intersex persons

65. Defenders promoting the rights of lesbian, homosexual, bisexual, transgender and intersex persons are also the target of numerous attacks. They told of hate crimes encouraged by a national environment that stigmatized them, with the State itself acting as the vehicle for this form of discrimination by criminalizing homosexuality, as is the case in some African and Middle Eastern countries. In several countries, homosexuality is punishable by the death penalty, which makes the defenders' work extremely dangerous. These defenders are likewise the subject of numerous attempts at homophobic blackmail, extortion, or defamatory campaigns, especially on the Internet and in social media. In addition, they have to contend with the pressure exerted by certain religious groups which depict these defenders as a threat to traditional values and as people who promote immoral and decadent Western values.

66. The lack of any protection under the law or in practice exacerbates the vulnerability of defenders of the rights of lesbian, homosexual, bisexual, transgender and intersex persons. Neither the security forces nor judges are trained in regard to respect for the rights of these persons, which leads to major deficiencies in the registering of complaints, prosecuting those responsible for human rights violations and bring them to justice. The defenders also mentioned the lack of resources to enable them to seek legal assistance in cases of discrimination and aggression against them.

67. Finally, the defenders dwelled at length on the lack of public acknowledgment (*visibilité*) of lesbian, transgender and intersex persons and the lack of political and social support, even sometimes in among the defender community. That is manifested, for instance, in the lack of support from other defenders, nongovernmental organizations, or national human rights institutions that do not express solidarity for fear of reprisals or out of shame of being associated with issues relating to lesbian, homosexual, bisexual, transgender and intersex persons.

4. Defenders of rights relating to land, defence of the environment and corporate responsibility

68. One category of defenders regularly participating in regional consultations is the group promoting and defending rights relating to land, the environment and corporate responsibility. These defenders endure various kinds of surveillance, attacks, forced disappearances or campaigns to discredit them as opponents of progress and the development of their countries. They spoke of the excessive use of force against demonstrators and activists working on corporate responsibility matters or labour rights. They are the targets of actions taken by both State and non-State actors (enterprises, private groups guarding sites, individuals linked to organized crime, and so on). In this connection, they mention systematic collusion among these different kinds of actors designed to block reports by the defenders that throw light on acts of corruption and human rights violations. The various kinds of violations and threats are encouraged by a weak institutional environment, in which States have failed to put in place any effective mechanism for penalizing human rights violations committed by enterprises. Defenders also complain of the lack of transparency and accountability of enterprises, especially in extractive industries.

5. Defenders combating corruption and impunity

69. Defenders working on governance issues, promoting transparency and accountability on the part of States, and combating corruption are among the most at-risk groups of defenders, subject to relentless harassment and multiple types of threats and attacks.

70. Their work is often hampered by the lack of legal provisions for access to information or failure to implement such laws. These defenders reported governments' reluctance to protect them, due to the numerous political and economic interests at stake. Finally, defenders working on matters that involve combating impunity are often the targets of attacks or campaigns to intimidate them, and witnesses often receive threats designed to deter them from appearing in court during certain trials.

6. Defenders seeking to protect the rights of minorities and refugees

71. Throughout the world, these defenders endure a series of threats and violations of their rights, sometimes relayed by the media in a context marked by an abundance of ultranationalist rhetoric stigmatizing certain communities or minority groups. These defenders are also labelled as traitors when they support certain groups or communities, such as the Roma people or indigenous peoples.

72. The defenders also complain that minorities are not consulted or else pseudo-consultations are held with people chosen by the State, not by the communities themselves.

73. Finally, as regards indigenous peoples, numerous defenders in Latin America underscored the lack of a legal and institutional framework recognizing the rights of these communities or, when they are recognized, the failure to implement them. The fact that they live in isolated rural areas combined with the existence of certain kinds of claims, such as the defence of lands or attempts to achieve autonomy, expose them to numerous threats and physical assault. This is one of the areas in which the Special Rapporteur intends to conduct a specific study together with the Special Rapporteur for the Rights of Indigenous Peoples.

7. Journalists and bloggers

74. The regional consultations afforded an opportunity to revisit the issue of increased attacks on journalists working on human rights cases. Such journalists are coming up against growing obstacles as soon as they attempt to report on cases of human rights violations. Some defenders stress, in particular, legal lacunae regarding freedom of information and the right to access information. Journalists investigating accountability and combating corruption have been threatened with the suspension or non-renewal of their accreditation as journalists or have been put under pressure to reveal the identity of their sources. They also complain of the perverse effects of enforcing laws against defamation or blasphemy or for protecting national security which lead to censorship or even self-censorship by numerous journalists investigating human rights violations. Finally, journalist defenders have found it increasingly difficult to move around freely, obtain visas, or work in areas of armed conflicts, where they are targeted by the various parties to the conflict.

8. Lawyers working to promote and protect human rights

75. Lawyers are attacked and threatened both in their capacity as defenders and for the part they play in defending defenders. Their offices are ransacked, their communications are intercepted by the authorities or third parties, and they are sometimes victims of intimidation campaigns that may even include the withdrawal of their license to operate. These lawyers, and in some cases their families, also pointed out that they were regularly the object of attacks, harassment campaigns, arbitrary detention, or acts of torture. Lawyers working for defenders have been slandered and accused of treason or of having ties to terrorism. Their work is continually obstructed and there, too, defenders have to contend with the lack of an independent judiciary.

9. Defenders working in countries at war or in areas exposed to internal conflict

76. The Special Rapporteur was disturbed at the large number of difficulties encountered by this group of defenders, who have to contend with situations in which their physical and psychological wellbeing are threatened. Defenders working in conflict zones and reporting human rights violations face attacks not only from the State, but also from armed groups, militias or terrorist groups, and are regarded as potential enemies by all the parties to the conflict. In that connection, the defenders recalled that the emergence of terrorist groups makes the work of defending human rights especially difficult in certain regions. They also pointed to material difficulties and restrictions on getting into conflict zones, and also to some defenders' lack of experience particularly when documenting cases of human rights violations and keeping their data secure. Finally, the defenders mentioned the exacerbation of nationalist rhetoric and increasing polarisation in public opinion, which tended to isolate defenders, accusing them of not siding with one party or another.

77. Given the nature of the attacks and threats to which they are subjected and the type of environment in which they operate, the Special Rapporteur intends to organize a specific consultation with defenders living and working in conflict or post-conflict areas in coordination with certain specialized international organizations.

D. Mixed experiences with cooperation with regional mechanisms and other international and regional actors

78. One of the objectives of the consultations was to ask participating defenders about their experience of cooperating with protection mechanisms, be they international (like the special procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights) or regional (such as those developed by the Inter-American Commission on Human Rights, the African Commission on Human and People's Rights, the Council of Europe, the Organisation for Economic Co-operation and Development, or the European Union).

79. The mixed nature of participants' experiences of cooperation underscored the need for more robust political commitment on the part of actors and for strengthening existing mechanisms, and all that, moreover, in a context in which national mechanisms are still deficient, or even non-existent. The defenders also insisted on the importance of training and capacity building to make better use of the various mechanisms and instruments. The Special Rapporteur was struck by the disparity of experiences of cooperation with those mechanisms, be they disparities between regions (with some being familiar, or even very familiar, with the mechanisms: Latin America, Western Europe, West Africa, while others — Horn of Africa, Southern Africa, Asia, Middle East — are not) or between the different mechanisms.

80. Most defenders stressed the lack of visibility and accessibility of the Special Rapporteur; only a minority had been contact with the mandate holder. The defenders insisted on the need to strengthen their ties with the Special Rapporteur, especially on the ground. In that connection, they expressed their appreciation of the fact that they had been consulted by the Special Rapporteur during the regional meetings he had attended in order to enable defenders unable to travel to meet him.

A very large number of defenders expressed their wish to see the Special Rapporteur visit their country, either on official mission or in response to invitations extended by universities, regional networks or embassies. The defenders also brought up the lack of publicity and dissemination of the Declaration of 1998 on human rights defenders (General Assembly resolution 53/144, annex), the failure to translate the Declaration into all languages so as to make it available to all, and the limits imposed on certain working methods of the mandate holder. By way of example, many defenders mentioned the abstruse nature of certain procedures, especially the communications system, which mattered because its purpose is to enable individual cases of human rights violations against defenders to be submitted to the States concerned.

81. As regards those communications, the defenders made it abundantly clear that in their experience the mechanism seemed opaque and ineffective and needed to be reviewed in depth with a view to make it more functional. Several difficulties were identified during the consultations, especially by the group of experts: the insufficient number of communications sent by the Special Rapporteur; the lack of a system of notifications and alerts to inform organizations and individuals that have filed a complaint of subsequent developments, due to the principle of confidentiality written into the code of conduct of special procedures mandate holders; and, finally, the lack of follow-up to communications once they have been published. Those difficulties were felt to be factors that may discourage defenders from asking the Special Rapporteur to intervene.

82. Joint communications, that is to say, those sent by several Special Rapporteurs, were mentioned frequently, without, however, any consensus appearing to emerge between the defenders and the experts. Some stress that such communications add to visibility and impact, while others are not completely convinced of their effectiveness and feel that the repetitive nature of those communications could in the long run prove counterproductive. The defenders and experts proposed various solutions to mitigate the difficulties, such as developing a follow-up plan to keep better track of how certain situations evolve. They also proposed that the annual report on communications, which is public, be widely distributed to embassies, nongovernmental organizations and other stakeholders so as to replicate the information and increase impact during exchanges with States. The issue of communications will be the subject of a specific study that the Special Rapporteur intends to conduct together with other special procedures mandate holders.

83. With respect to country visits, the defenders reaffirmed the importance of meeting actors in situ, while emphasizing that too few official visits were possible each year, due to lack of resources or to the refusal by State to invite the Special Rapporteur. Nevertheless, they pointed out that such visits could also be detrimental for defenders in the country concerned. For example, some defenders complained of "preventive" detentions carried out in countries visited by a Special Rapporteur. Finally, they recalled the need for better up front preparations for such missions and for a follow-up mechanism to ensure that any recommendations issued as a result of those visits are effectively implemented.

84. Finally, the defenders asked for tighter security surrounding their (especially electronic) exchanges with the Special Rapporteur and expressed their desire to see new issues addressed. For example, they voiced their concerns regarding the

increasing number of human rights violations being perpetrated by non-State actors, particularly certain religious fundamentalist groups or corporations.

85. The defenders also encouraged the Special Rapporteur to strengthen his collaboration with country and regional offices of the United Nations during preparations for country visits and in monitoring the situation of an at-risk defender.

86. Even though this report did not primarily intend to evaluate regional mechanisms, they were discussed on several occasions during the consultations. Here, it is worth noting that, with the exception of Asia and the Middle East, there are regional mechanisms in all parts of the world. Nevertheless, in this respect, too, the defenders reported very different experiences. Like the United Nations mandate on the situation of human rights defenders, regional mechanisms are still unfamiliar to defenders — especially those who live in remote areas, without access to the latest information technology. The defenders also point to the inability of certain mechanisms to respond to urgent individual cases and they complain about the complexity of — in their opinion — increasingly restrictive procedures.

87. While the European Union's Guidelines on Defenders were specifically addressed during the consultations, it must be said that only one third of the defenders said they were familiar with them. And those that were familiar with them perceived a lack of training and information among the representatives of the member states of the European Union. They also alluded to a lack of clarity of the selection criteria used by the European Union to support defenders in certain countries, and to the lack of familiarity with European Union procedures on the part of certain embassies, along with the reluctance of some ambassadors to make use of the means at their disposal for protecting defenders, for fear of offending the Government of the country to which they have been posted.

88. The issues mentioned are all the more important given the defender's emphasis on the timeliness and importance of such Guidelines and their insistence on the need for coordination with embassies, representatives of the European Union and its member states on the ground.

89. It would be impossible to conclude the present section without harking back to the disturbing increase in the number of reprisals and acts of intimidation reported by defenders during the regional consultations. Fear of reprisals perpetrated by non-State or governmental actors deters some defenders from cooperating with the United Nations and regional mechanisms. In this connection, the defenders point to the surveillance exercised over them and over certain non-governmental organizations that cooperate with the United Nations on issues deemed to be sensitive, such as discrimination against Roma people, or the promotion of sexual and reproductive rights, sexual orientation and identity. The defenders urged the Special Rapporteur to continue to support their reports calling for an end to these reprisals and attempts to intimidate them. In this regard, the defenders mentioned some States' attitude to such reprisals. While they are guilty of, or complicit in acquiescing to, attacks on them that all too often go unpunished, States nevertheless have a fundamental role to play, according to the defenders.

IV. Conclusions and recommendations

A. Conclusions

90. **The few observations presented in the present report show that we are dealing with attacks designed to weaken the women and men who are combating injustice and putting themselves in harm's way in order to defend the rights of those who cannot defend themselves. When these defenders are attacked, it is not just them but human rights that are threatened. The defenders we met at these seven consultations run countless risks that leave them distraught and often on their own. The Special Rapporteur is extremely worried about the trends alluded to in this report, especially with regard to the most exposed groups of defenders. He intends to continue exchanging views on certain points that emerged during these consultations in order to exhaust every possible opportunity to provide them with better protection. Positive developments were, nevertheless, reported in the course of these consultations, be it the enactment of domestic laws to protect defenders, certain projects such as the "shelter cities" or the preparation of defenders' kits. The Special Rapporteur will address such initiatives and sound practices in upcoming reports.**

91. **Nevertheless, in very many countries, defending and promoting human rights remain an extraordinarily dangerous activity. Nevertheless, that activity is a universally recognized right that all actors are duty-bound to protect as a routine fact of life. The consultations showed the importance of a human rights education for ensuring that society as a whole recognizes the role and contribution of actions undertaken by teachers, lawyers, journalists, employees of nongovernmental organizations, and ordinary citizens. We need not just to recall the commitment of all the actors involved, but also ensure that such decisions are followed by concrete steps to enable defenders, with peace of mind, to go about promoting and protecting the human rights and freedoms that every society needs.**

B. Recommendations

92. **Given the large number of recommendations regarding certain specific groups of defenders, the Special Rapporteur intends to address some of them in greater detail in future reports.**

93. **The Special Rapporteur recommends that States adopt the following measures:**

(a) **Do more to disseminate the work of defenders and to support their work through campaigns and specific communication and information activities that pay tribute, in particular, to the contributions made by certain categories of defender, such as women; defenders of the rights of lesbian, homosexual, bisexual, transgender and intersex persons; defenders working in the area of corporate social responsibility and land-related rights; defenders of the rights of minorities and indigenous peoples; and defenders who combat impunity and corruption;**

(b) Make sure that defenders can go about their work in a national framework buttressed by appropriate laws and regulations;

(c) Remove the obstacles that some domestic laws may place on the legitimate activities to promote and protect human rights conducted by defenders, including respect for the right to peaceful assembly and freedom of association;

(d) Abolish laws that discriminate against certain categories of defenders, as well as those relating to blasphemy or apostasy, so as to guarantee the right to freedom of expression, including in it the right to criticise the State, its representatives and religious authorities;

(e) Conduct impartial investigations and ensure that the perpetrators of violations against the rights of defenders are brought to justice;

(f) Invite the Special Rapporteur to visit the countries and to conduct such visits without restrictions on their duration or scope;

(g) Reply to the Special Rapporteur's communications and provide him with all the information requested to enable him to assess the situations that gave rise to the communication;

(h) Establish a national human rights institution pursuant to the Paris Principles or reform an existing one to bring it into line with those Principles and grant it a mandate covering the protection and promotion of defenders;

(i) Provide State agents, especially those who are in direct contact with communities of defenders, with the necessary training regarding the role and rights of defenders and regarding the Declaration on human rights defenders;

(j) Undertake to translate the Declaration on human rights defenders into their national language and local languages so that all defenders can have access to it;

(k) Develop, with the support of United Nations country teams, national programmes for implementing General Assembly resolution 68/181 on protecting women human rights defenders/defenders of women's rights;

(l) Consult defenders and have them actively participate in development projects, studies of the impact of such projects on human rights, and efforts to draw attention to the duty to take precautions, including during the preparation of national plans dealing with corporations and human rights.

94. **The Special Rapporteur encourages defenders and civil society to:**

(a) Facilitate the establishment of national and regional networks for the support and protection of defenders;

(b) Play an active part in promoting gender equality and combating all forms of discrimination against female defenders, including within their own organizations;

(c) Prepare special tools and materials for providing better protection to most at-risk categories of defenders and run awareness campaigns against the prejudices they sometimes face.

95. The Special Rapporteur encourages international donors and creditors and intergovernmental organizations to:

(a) Strengthen aid programmes for defenders, particularly as regards physical and digital security and to step up aid programmes, particularly those relocating defenders and legal and medical assistance programmes;

(b) Examine ways of providing pro bono legal aid to defenders, by instituting an international network of lawyers and legal experts willing to help defenders, especially in emergencies;

(c) Identify focal points responsible for defender issues in the diplomatic missions and offices of intergovernmental organizations;

(d) Encourage the translation of certain instruments such as the European Union Guidelines on Human Rights Defenders and their dissemination in all countries.

96. The Special Rapporteur encourages the United Nations to:

(a) Step up promotion of the Declaration on human rights defenders;

(b) Continue to document, and to alert the international community to, reprisals against defenders cooperating with United Nations mechanisms;

(c) Strengthen knowledge of, and attention to, defender issues in United Nations bureaux and regional and country offices. Provide training to officials in those entities regarding the mechanisms for the protection of defenders and the needs of certain specific groups of defenders; Ensure that resident coordinators systematically provide assistance and protection to human rights defenders who are threatened;

(d) Improve the dissemination of information about the situation of defenders to other regional bodies (such as regional economic partnerships or development communities);

(e) Develop new ways of interacting with defenders unable to travel to Geneva, such as distance consultations and webinar types of meetings with defenders in geographically remote areas;

(f) Ensure better access to United Nations organs for most at-risk categories of defender;

(g) Develop alternative methods to ensure access to United Nations human rights mechanisms for defenders from countries that restrict the right of association.

97. The Special Rapporteur encourages national human rights institutions to:

(a) Strengthen awareness-raising activities directed at representatives of their government and other branches of State regarding the situation of defenders in their country;

(b) Raise awareness of members and their personnel regarding the Declaration on human rights defenders and their role;

(c) Conduct regular exchanges of views with defenders and civil society and involve them in the planning and implementation of activities;

(d) Post public assurances of their support for the part played by defenders, especially those in the most exposed groups and actively collaborate with other stakeholders in cases in which defenders are in danger;

(e) Establish a point of contact or an entity dedicated to defenders, paying particular heed to groups of defenders exposed to special risks;

(f) Encourage the active participation of defenders in the preparation, implementation and evaluation of programmes and policies for their protection;

(g) Ensure that the mechanisms to protect defenders have sufficient resources and the requisite capacity to follow up on complaints received and investigate them promptly and impartially;

(h) Ensure that defenders can file complaints using various channels, including the institution's website, a hotline and instant messaging;

(i) Include in their reports a section specifically devoted to the situation of defenders.

98. **The Special Rapporteur encourages enterprises to:**

(a) Promote the work of defenders in their sector;

(b) Avoid any action aimed at hampering the work of defenders, recognizing, in particular, the right to freedom of expression, association, meeting, and demonstration.